

# Town of Mashpee

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## November 16, 2015

### **AGENDA BOARD OF SELECTMEN MONDAY, NOVEMBER 16, 2015**

**6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall**

#### **PLEDGE OF ALLEGIANCE**

#### **MOMENT OF SILENCE**

#### **MINUTES**

Approval of the following: Monday, November 2, 2015 Regular Session and Monday, November 9, 2015 Regular Session

#### **APPOINTMENTS & HEARINGS**

- 6:30 – Public Comment
- 6:40 – Public Hearing, Tax Rate Reclassification – Town Assessor, Jason Streebel
- 6:50 – Public Hearing, Waquoit Bay Shellfishing Closure – Shellfish Constable, Rick York
- 7:00 – Mashpee TV Update – Wayne Taylor

#### **COMMUNICATIONS & CORRESPONDENCE**

#### **OLD BUSINESS**

- Review and approval of Snow Removal Policy

#### **NEW BUSINESS**

- Review and execution of Confirmatory Deed to Mashpee Wampanoag Tribe, regarding 414 Meetinghouse Road (Cemetery Parcel).
  - Discussion and vote on Memorandum of Agreement with Mashpee Wampanoag Tribe, regarding Town Public Safety Services on Tribal Lands in Mashpee.
- 3) Approval of two (2) late-submitted applications for Commercial Shellfish Permits
  - 4) Approval of application for one-day liquor license, December 3, 2015 – Boys & Girls Club
  - 5) Approval of appointment as Alternate Building Department Representative to the ADA Committee – Charles Maintanis
  - 6) Approval of appointment to the Capital Improvement Program Committee – Charles Gasior
  - 7) Review and approval of Affordable Housing Planned Production Plan

#### **ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed.)

## **LIAISON REPORTS**

### **EXECUTIVE SESSION**

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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,  
Selectman O'Hara, Selectman Cotton  
Town Manager Rodney C. Collins  
Town Manager Thomas Mayo

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

### **MINUTES**

Monday, November 2, 2015 Regular Session:

**Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, November 2, 2015 as presented.**

**Motion seconded by Selectman Cahalane.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Monday, November 9, 2015 Regular Session:

**Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, November 9, 2015 as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

### **APPOINTMENTS & HEARINGS**

Public Comment: None at this time.

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### **APPOINTMENTS & HEARINGS:**

Public Hearing, Tax Rate Reclassification – Town Assessor, Jason Streebel:

**Motion made by Selectman Gottlieb to open the Tax Reclassification Hearing.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Cahalane, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Opposed, none</b>

The Hearing will decide whether the Town of Mashpee should implement the Classification Act. At the Hearing, the Board of Selectmen will hear testimony as to what will be the Fiscal Year 2016 residential factor, which will determine the share of taxes each classification of property will pay, what will be the open space factor, and whether there will be a residential exemption and/or a small business exemption.

Jason Streebel, Director of Assessing was in attendance to facilitate the Tax Rate Classification hearing. It was explained a shift between the categories of properties would result in a greater share of the tax burden being placed on commercial, industrial and personal property while reducing the rate of residential properties.

Additionally, if there would be a residential exemption of up to 20% for Mashpee residents, it is likely that a lead time of one year be given to the Assessing Department before the exemption could be adopted at the following year's classification hearing. Lastly, under consideration is whether the Town should adopt a small commercial exemption of up to 10%.

After review of the information, it is the recommendation of the Board of Assessors to continue to recommend that a single tax rate be adopted with no residential exemption, and no small business exemption.

Mr. Streebel indicated the real estate market is up significantly; 4.2% over last year. The total value of the Town of Mashpee is \$4.765 billion.

The single tax rate is proposed at \$9.08 per \$1,000 valuation. The rate is down by \$0.3 cents from last year. The Water District rate \$0.18 cents per \$1,000. The average single home is assessed at \$468,148.

Being no comment, the Board motioned to close the Public Hearing.

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**APPOINTMENTS & HEARINGS:**

Public Hearing, Tax Rate Reclassification – Town Assessor, Jason Streebel: (continued)

**Motion made by Selectman Gottlieb to close the Tax Reclassification Hearing.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Cahalane, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Opposed, none</b>

To simplify the process, a proposed motion was prepared by Mr. Streebel for the Selectmen's consideration.

**Motion made by Selectman Sherman that the Town of Mashpee adopt a tax rate Factor of “1” for all classes of property with no discount for Open Space, no Residential Exemption and no Small Commercial Exemption.**

**Motion seconded by Selectman O’Hara.**

**VOTE: 4-1. Motion carries.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, no	Selectman O’Hara, yes
Selectman Cotton, yes	Opposed, (1)

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**APPOINTMENTS & HEARINGS:**

**Public Hearing, Waquoit Bay Shellfishing Closure – Shellfish Constable, Rick York:**

The Board of Selectmen opened the Public Hearing to consider a shellfish management closure of Waquoit Bay for all shellfishing, except scalloping, from November 17, 2015 through April 30, 2016. The closure would be for Waquoit Bay, but it would not include the rivers and salt ponds, and would be for the protection of shellfish seed during cold water temperatures.

Selectman Sherman read aloud the public hearing notice into the record. Richard York, Shellfish Constable was in attendance to discuss the recommended closure with the Board of Selectmen and interested public.

Mr. York indicated this has been a year with a lot of quahog seed in the bay. On October 20, 2015 the Shellfish Commission voted to close Waquoit Bay during the colder months. Mr. York stated the closure was previously and successfully conducted at this time when there was a high percentage of seed. It was noted that during the winter months, there are ten varieties of sea birds that consume a great deal of shellfish. Waquoit Bay is a large area with a high percentage of seed. It was noted the Town of Falmouth has closed Waquoit Bay from November 15<sup>th</sup> to the same opening date as Mashpee. Being no public comment, the Board motioned as follows;

**Motion made by Selectman Sherman to close the Public Hearing.**

**Motion seconded by Selectman O’Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

**Motion made by Selectman Gottlieb to approve the Shellfish Management closure of Waquoit Bay for all shellfishing, except scalloping, from November 17, 2015 through April 30, 2016, exclusive of the rivers and salt ponds as recommended. Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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**APPOINTMENTS & HEARINGS:**

**Mashpee TV Update – Wayne Taylor:**

Wayne Taylor, Mashpee's liaison between the Town of Mashpee and Mashpee TV was in attendance with Bill Nay the station manager to review infrastructure improvements made to Town Hall to improve the governmental channel. With the expenditure of \$36,000 in equipment upgrades and modifications, Channel 18 is fully operational. This includes live stream programming and accessibility to archival access. Operations are sufficiently staffed to cover the full range of broadcasting. The contractors are being compensated by MTV.

In Phase III, content beyond the current programming level is planned. When asked of the schools, it was noted that all audio issues have been resolved.

**OLD BUSINESS**

**Review and Approval of Snow Removal Policy:**

It was disclosed that proposed amendments to the Town's Snow Removal Policy have been agreed upon by the respective parties. The document, Policy No. 014 was in order for the Selectmen's review and approval. Discussion followed with respect to the proposed revisions.

Treatment will be provided first to primary roads, collector roads and Town owned buildings, and then be provided to private ways consistent with the policy. Additional language has been incorporated into the document regarding private ways in disrepair with identifiable defects such as potholes which may limit plowing and snow and ice removal restrictions until the defective condition is addressed by the owners of the road.

Conditions such as overhanging brush will allow a private road to be removed from the No Plow List. Communication relative to the No Plow List will be administered broadly on the Town's website and televised on the Mashpee cable channel, and via newspaper reporting. As an added internal mechanism, a group email message will be sent prior to the publishing of the list in an effort to resolve any private road issues that can be effectively addressed before the onset of winter with the Department of Public Works.

It was agreed the No Plow List would be assembled no later than October 1<sup>st</sup> of each year. With improved communication, it is

hopeful that matters would be adequately addressed in a timely manner. Discussion followed with respect to seasonal residents being appropriately informed. It was agreed the Town Manager would review this matter, and address the notification date internally without amending the policy before the Board.

With the Selectmen's approval, the revised No Plow List will be publicized in the *Mashpee Enterprise* as soon as possible.

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#### OLD BUSINESS

##### Review and Approval of Snow Removal Policy: (continued)

In review of snow removal operations it was recommended the Town maintain a competitive position, and guarantee a minimum four-hour call back. Currently, the Town does not provide this incentive for contractors. The Town Manager was in agreement with the four-hour minimum for services, allowing for flexibility for this type of service.

**Motion made by Selectman Gottlieb to approve the amended Snow/Ice Removal Policy No. 14 as presented.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

##### **Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

#### NEW BUSINESS

##### Review and Execution of Confirmatory Deed to Mashpee Wampanoag Tribe, regarding 414 Meetinghouse Road (Cemetery Parcel):

As a housekeeping matter, the Board of Selectmen briefly reviewed the Confirmatory Deed previously granted to the Tribe in 2008 at the time of the Intergovernmental Agreement which incorrectly identified the parcel number of locus. It was disclosed the document has been reviewed to form by Town Counsel.

**Motion made by Selectman Gottlieb to execute the Confirmatory Deed between the Town of Mashpee and the Mashpee Wampanoag Tribe for the land located on Meetinghouse Road and Route 28 in the Town of Mashpee shown as parcel 13B on a plan entitled "Plan of Land prepared for Mashpee Wampanoag Tribe In Mashpee" by Holmes and McGrath, Inc., Civil Engineers and Land Surveyors, dated May 16, 2008 and recorded with the Barnstable County Registry of Deeds in Plan Book 626, Page 4. This parcel contains 11.5+/-acres.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

##### **Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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#### NEW BUSINESS

##### Discussion and Vote on Memorandum of Agreement with Mashpee Wampanoag Tribe, regarding Town Public Safety Services on

Tribal Lands in Mashpee:

Rodney Collins, Town Manager recommended the Board of Selectmen indefinitely postpone discussion of the agreement. It was reported progress is being made with respect to the Memorandum of Agreement. However, negotiations have not been finalized to date.

Approval of Two (2) Late-submitted Applications for Commercial Shellfish Permits:

Richard York, the Shellfish Constable was in attendance to request the Board issue two late-filed applications for shellfish permits. In normal process shellfish permits are issued in March and April. Mr. York indicated there is no limit to the number of shellfish permits issued in the Town of Mashpee. With the implementation of the shellfish nitrogen mitigation plan, additional permitting requests will most likely be filed.

At their October 20<sup>th</sup> meeting, the Shellfish Commission voted to recommend the issuance of the two new shellfish permits. It was noted that one is a late-filed renewal, and the other a new permit request. Both applicants are residents of the Town of Mashpee.

**Motion made by Selectman Gottlieb to approve the (2) Commercial Shellfish Permit Applications as submitted,  
Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Cahalane, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Gottlieb, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Opposed, none</b>

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NEW BUSINESS

Approval of Application for One-day Liquor License, December 3, 2015 – Boys & Girls Club:

Ruth Provost, the Director of the Boys and Girls Club of Cape Cod was before the Board to request permitting for a One-day Beer and Wine License to hold a food tasting fundraiser on December 3, 2015. A certificate of liability insurance has been secured for the event scheduled to be held at 21 Joy St from 5:30 p.m. until 8:00 p.m. at the South Cape Village marketplace. Andy's Market will provide the beer and wine, and approximately six local restaurants will administer the serving of food. A silent auction is planned.

**Motion made by Selectman Sherman to approve the request of the Boys and Girls Club of Cape Cod for a One-day Liquor License, beer and wine only on December 3, 2015 as referenced.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Approval of Appointment as Alternate Building Department Representative to the ADA Committee – Charles Maintanis:

Correspondence was received from Michael Mendoza; Building Commissioner dated October 20, 2015 requesting the Board appoint Charles Maintanis as his alternate to the ADA Committee.

**Motion made by Selectman Sherman to appoint Charles Maintanis as the Alternate representative to the ADA Committee. Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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**NEW BUSINESS:**

Approval of Appointment to the Capital Improvement Program Committee – Charles Gasior:

Town Manager Collins recommended the appointment of Charles Gasior to serve as an at-large member to the Capital Improvement Program (CIP) Committee. Mr. Gasior previously served on the CIP representing the Finance Committee. His knowledge and skillset will be helpful with the capital improvement process.

**Motion made by Selectman Gottlieb to appoint Charles Gasior to the CIP Committee as an At-Large Member.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Review and Approval of Affordable Housing & Planned Production Plan:

Tom Fudala the Town Planner was in attendance with Bud Abbott, Chair of the Affordable Housing Committee review and to request approval of the Town's Affordable Housing & Planned Production Plan for transmission to the state Department of Housing and Community Development (DHCD).



It was noted in 2012 the document was amended. However, it was not forwarded to DHCD. The prior version of the Plan which details the availability and affordability of housing in Mashpee was submitted to the state in 2005. Under the regulations of the Local Comprehensive Plan (LCP) municipal plans should be revised in ten year intervals. The Plan as revised was approved by both the Affordable Housing Committee and Planning Board this past August.

The AHP is based on the 2010 census with a population estimate of 14,006, and a 2015 Planning Department estimate of 14,995 year-round residents.

Goals of the Affordable Housing & Planned Production Plan would promote the development of affordable housing for both rental and purchase that would meet the needs of present and future residents of the Town of Mashpee. The main objective is to increase the Town's affordable housing stock to 10% of all year-round housing based on the 2010 census. The Plan states that Mashpee would make every effort to produce at least 32 units annually to demonstrate progress. By achieving this goal, Mashpee would hit its target in 2023.

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#### NEW BUSINESS:

##### Review and Approval of Affordable Housing & Planned Production Plan: (continued)

Currently, the DHCD only recognized 298 units of affordable housing in Mashpee. This provides an affordability rate of 4.6% under Chapter 40B's 10% goal. The 10% target is 647 units. Although, every ten years in according to census, the target is raised.

Implementation strategies include the recent adoption of an Affordable Accessory Apartment bylaw for inclusion in the subsidized housing inventory and the identification of zoning districts or residential areas where modifications could be considered for the purposes of creating more opportunities for multifamily housing development. Other initiatives include the utilization of town-owned properties for the development of "friendly" 40B housing projects. The Town of Mashpee is currently looking at two tax-taxing properties referenced as 950 Falmouth Road and 209 Old Barnstable Road suitable for approximately 64 units of affordable housing.

Additionally, Mashpee Commons is developing a 40B housing project on 60.7 acres to bring forth a total of 96 affordable units, and the Wampanoag Tribe has proposed a 52 unit Wampanoag Village housing project. Other initiatives include continued collaboration with the Mashpee Housing Authority which recently completed the 10 unit Great Coves Community project and with Habitat for Humanity of Cape Cod.

Mr. Fudala indicated that when Mashpee achieves certification, Chapter 40B permits can be denied if they are not consistent with the town's local needs. The Town would also gain the ability to obtain points which would lead to assistance from DHCD.

Discussion followed with respect to the pros and cons of the HHP document and plan that may have several unattainable goals.

Bud Abbott, Chair of the Affordable Housing Committee indicated that a great deal of work went into the AHP. Assistance was provided by the Cape Cod Commission and the program adopts the CCC Regional Policy Plan goals for affordable housing and it supports the region's minimum performance standards. Mr. Abbott noted that 32 units may not be achieved, but what will be completed would greatly assist the affordable housing needs in the town, and allow for points to be obtained with DHCD for future assistance.

The Board of Selectmen went back and forth in discussing this matter. There as a reluctance to adopt the plan, with a stretch of some proposals that seem unlikely to occur. It was agreed the Town should focus on what can be achieved to have a more diverse affordable housing stock in Mashpee and to take advantage of infrastructure that has been built especially in areas that require no transit. Workforce housing and economic opportunities for those in town were also given strong consideration.

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NEW BUSINESS:

Review and Approval of Affordable Housing & Planned Production Plan: (continued)

**Motion made by Selectman Cotton to authorize the Town Manager to submit the Town's Affordable Housing & Planned Production Plan to DHCD on the Town's behalf.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

LIAISON REPORTS:

Waste Management Committee: The Waste Committee is expected to make a recommendation to Board of Selectmen by end of the year.

Adjournment:

**Motion made by Selectman Sherman to adjourn at 7:45 p.m.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen